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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 GLENN S. SUNKETT,

12 Plaintiff,

13 v.

14 RUIZ, et al.,

15 Defendants.

Case No.: 14-cv-2649-JLS (KSC)

**ORDER DISMISSING CASE WITH  
PREJUDICE**

(ECF No. 28)

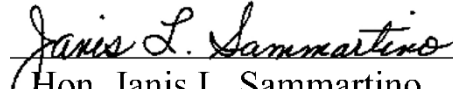
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17 Presently before the Court is Defendants' Motion to Dismiss Plaintiff's Complaint  
18 with Prejudice ("Mot. to Dismiss"). (ECF No. 28.) On November 5, 2014, Plaintiff filed  
19 the instant case. (ECF No. 1.) Defendants soon thereafter filed a Motion to Dismiss and  
20 Motion for Summary Judgment. (ECF No. 16.) Magistrate Judge Karen S. Crawford issued  
21 a Report and Recommendation, (ECF No. 25), to which no party objected, and which the  
22 Court adopted, (ECF No. 26). In so doing, the Court dismissed all of Plaintiff's claims and  
23 granted Plaintiff leave to amend one specific cause of action if he did so within thirty days.  
24 (*Id.*)

25 Approximately one year and two months have passed, and Plaintiff has not filed an  
26 amended Complaint. Accordingly, the Court **GRANTS** Defendants' Motion to Dismiss  
27 Plaintiff's Complaint in its entirety with prejudice. *See* Fed. R. Civ. P. 41(b) ("If the  
28 plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may

1 move to dismiss the action or any claim against it.”); *see Lira v. Herrera*, 427 F.3d 1164,  
2 1169 (9th Cir. 2005) (“If a plaintiff does not take advantage of the opportunity to fix his  
3 complaint, a district court may convert the dismissal of the complaint into dismissal of the  
4 entire action.”). Because this concludes the litigation in this matter, the Clerk **SHALL** close  
5 the file.

6 **IT IS SO ORDERED.**

7 Dated: May 12, 2017

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9 Hon. Janis L. Sammartino  
United States District Judge